

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

GARY L. SMITH,)
)
 Plaintiff,) CIVIL ACTION NO.
) 2:17cv339-MHT
 v.) (WO)
)
 AUTAUGA NORTHERN RAILROAD,)
 LLC, et al.,)
)
 Defendants.)

OPINION AND ORDER

Plaintiff, who suffered injuries when a train hit the car he was travelling in, filed this lawsuit in state court seeking damages arising from the accident. After defendants removed the case to federal court, plaintiff moved for leave to amend his complaint to name the train's engineer as a defendant and to remand the case to state court. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff be granted leave to file an amended complaint and that the case be remanded to state court for lack of subject-matter jurisdiction.

There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that:

(1) The magistrate judge's recommendation (doc. no. 26) is adopted.

(2) Plaintiff's supplemental motion for leave to amend the complaint (doc. no. 20) is granted.

(3) Plaintiff's motion to remand (doc. no. 15) is granted.

(4) Plaintiff's motion for leave to amend complaint and supplement to motion to remand (doc. no. 18) is denied as moot.

(5) This cause is remanded to the Circuit Court of Chilton County, Alabama.

The clerk of the court is DIRECTED to take appropriate steps to effect the remand.

This case is closed in this court.

DONE, this the 7th day of December, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE